

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-4, 26, and 29-42 are pending. Claims 26 and 31 are herein amended, Claims 5, 6-8, 10, 13, 14, and 16-23 are herein canceled without prejudice or disclaimer, and new Claims 35-42 are newly presented. No new matter is presented.¹

In the Office Action, Claims 1, 3, 4, 26, and 29-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo et al. (U.S. Patent No. 5,586,254, hereinafter, “Kondo”) in view of Schwarzbach et al. (U.S. Patent No. 4,418,333, hereinafter, “Schwarzbach”).

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully traverse the rejection. Claim 1 recites, *inter alia*,

wherein, based on said importance of said status information acquired by said acquiring means, said control means physically deforms a shape of a shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration.

Applicants submit that Kondo in view of Schwarzbach fails to disclose or suggest this feature.

The Office Action relies on Kondo for teaching “based on said importance of said status information acquired by said acquiring means” and relies on Schwarzbach for teaching “said control means controls power supply to an electric socket disposed in said building to physically change said configuration.” However, it is impermissible to simply use Applicants’ application as a guidepost to piece together information from separate and

¹ Claims 26 and 31 are amended to avoid interpretation under 35 USC §112, sixth paragraph. Support for new Claim 35 may be found at least at para. [0036]. Support for new Claim 36 may be found at least at para. [0032], [0037] and [0043]. Support for new Claim 37 may be found at least at para. [0036]. Support for new Claim 38 may be found at least at para. [0034]. Support for new Claim 39 may be found at least at para. [0035]. Support for new Claim 40 may be found at least at para. [0056]. Support for new Claim 41 may be found at least at para. [0036]. Support for new Claim 42 may be found at least at para. [0036].

disparate references to show that all aspects of the claimed invention were individually known in the art and allege that this would, in and of itself, provide a basis to modify the disclosure of, for example, Kondo.² Additionally, even if the teachings of Kondo and Schwarzbach were combined, their combination would not teach the relationship provided in the claimed feature - i.e., that the control means controls power supply to the electric socket *based on the importance of the status information*. Thus, Kondo in view of Schwarzbach fail to disclose *wherein, based on said importance of said status information acquired by said acquiring means, said control means physically deforms a shape of a shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration*, as claimed.

Further, even assuming, *arguendo*, that such piecing together of references were permissible, the suggestion in the Office Action that it would have been obvious to modify the teachings of Kondo to include the means for adjusting the power level at the electric socket of Schwarzbach is without reason. Kondo already provides remote control of network devices and giving instructions for recovery in case of faults, and so has no need for the central control unit of Schwarzbach.³ Therefore, Claim 1 is not obvious over Kondo in view of Schwarzbach, and is patentable. Claims 3, 4, 30, and 35 depend from Claim 1 and are patentable for at least the same reasons as Claim 1.

Claim 35 is also not obvious over Kondo in view of Schwarzbach. Initially, Claim 35 is patentable for at least the same reasons as Claim 1, from which it depends. Further, the Office Action acknowledges that “Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building.”⁴ It is respectfully submitted that Schwarzbach does not cure the above-noted deficiency of Kondo.

² See MPEP at 2106.I.C.

³ See Kondo at col. 44, lines 17-24 and col. 11, lines 53-62.

⁴ See Office Action at p. 4.

Accordingly, it is respectfully submitted that Claim 35 is patentable over Kondo in view of Schwarzbach.

Claim 26 is also not obvious over Kondo in view of Schwarzbach. As discussed above with respect to Claim 1, Kondo and Schwarzbach fail to disclose wherein, based on said importance of said status information, said changing the configuration of at least one component of components making up said building physically deforms a shape of a shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration., as claimed. Accordingly, Claim 26 is patentable. Claims 31 and 41 depend from Claim 26 and are patentable for at least the same reasons as Claim 26.

New Claim 41 is also not obvious over Kondo in view of Schwarzbach. Initially, Claim 41 is patentable for at least the same reasons as Claim 26, from which it depends. Further, the Office Action acknowledges that “Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building.”⁵ It is respectfully submitted that Schwarzbach does not cure the above-noted deficiency of Kondo. Accordingly, it is respectfully submitted that Claim 41 is patentable over Kondo in view of Schwarzbach.

Claim 29 is also not obvious over Kondo in view of Schwarzbach. As discussed above with respect to Claims 1 and 26, Kondo and Schwarzbach fail to disclose wherein, based on said importance of said status information acquired during the acquiring step, processing in said changing step physically deforms a shape of a shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration, as claimed. Accordingly, Claim 29 is

⁵ See Office Action at p. 4.

patentable. Claims 32-34 and 42 depend from Claim 29 and are patentable for at least the same reasons as Claim 29.

New Claim 42 is also not obvious over Kondo in view of Schwarzbach. Initially, Claim 42 is patentable for at least the same reasons as Claim 29, from which it depends. Further, the Office Action acknowledges that “Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building.”⁶ It is respectfully submitted that Schwarzbach does not cure the above-noted deficiency of Kondo. Accordingly, it is respectfully submitted that Claim 42 is patentable over Kondo in view of Schwarzbach.

Claim 36 is also not obvious over Kondo in view of Schwarzbach. As discussed above with respect to Claims 1, 26 and 29, Kondo and Schwarzbach fail to disclose wherein, based on said importance of said status information acquired by said acquiring unit, said control unit physically deforms a shape of a shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration, as claimed. Accordingly, Claim 36 is patentable. Claims 37-40 depend from Claim 36 and are patentable for at least the same reasons as Claim 36.

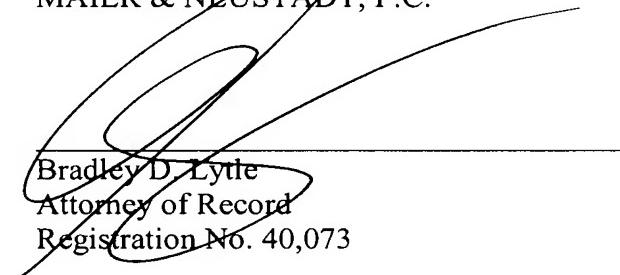
Claim 37 is also not obvious over Kondo in view of Schwarzbach. Initially, Claim 37 is patentable for at least the same reasons as Claim 36, from which it depends. Further, as acknowledged in the Office Action, “Kondo does not expressly teach said control means physically deforms a shape of a shape-variable member disposed in said building.” It is respectfully submitted that Schwarzbach does not cure the above-noted deficiency of Kondo. Accordingly, it is respectfully submitted that Claim 37 is patentable over Kondo in view of Schwarzbach.

⁶ See Office Action at p. 4.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3, 4, 26, and 29-42 is definite and patentably distinguishing over the applied references. The application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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